



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

**Determination of the Regional Administrator
Pursuant to 40 CFR 6.107**

In accordance with EPA's procedures for implementing the National Environmental Policy Act (40 CFR Part 6), EPA has determined that this project is eligible for categorical exclusion under 40 CFR §6.107 and is exempt from the substantive environmental review requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

Project Name: Orange County Sanitation District Plant No.1-101 – Upgrade to secondary treatment

Project Sponsor: Orange County Sanitation District, Fountain Valley, CA

The Orange County Sanitation District (OCSD) provides wastewater services to more than 2.3 million residents within a 470 square mile portion of northern and central Orange County. Within its service area, which encompasses more than half of the land area of Orange County, OCSD operates and maintains more than 650 miles of truck and subtrunk sewer lines. Plant No. 1 in Fountain Valley, California has been operating since 1959 and is integral to the OCSD's wastewater treatment operations.

OCSD plans to use all the funding from the fiscal year 2004 and 2005 appropriations to replace or rehabilitate the existing sludge dewatering facility located at the OCSD's Plant No. 1. The sludge dewatering facility is referred to by OCSD as P1-101. The attached Categorical Exclusion addresses the upgrading of the existing sludge dewatering facility, project P1-101. The categorical exemption only covers project P1-101.

In Federal Fiscal Year 2004, OCSD was appropriated \$964,300 in EPA Special Appropriation Grant funds for a wastewater treatment program. In Federal Fiscal Year 2005, OCSD was also appropriated \$577,300 for wastewater improvements in Fountain Valley, CA and \$192,400 for a new secondary treatment facility in Fountain Valley, CA. OCSD is in the process of updating its treatment facilities to secondary treatment.

In accordance with the California Environmental Quality Act (CEQA), a Strategic Plan Final Program Environmental Impact Report was prepared in October of 1999 and Final Secondary Treatment and Plant Improvement Project Subsequent Environmental Impact Report was prepared in March of 2005. These documents evaluate the overall project upgrading Plant No. 1 in Fountain Valley, CA and Plant No. 2 in Huntington Beach, CA to secondary treatment.

Since the proposed action involves the "Minor Rehabilitation of Facilities" "New Ancillary Facilities Adjacent or Appurtenant to Existing Facilities" and "functional replacement of equipment," they are eligible for a categorical exclusion under NEPA, in accordance with 40 CFR Part 6.107(d)(1). These projects are not expected to affect cultural resource areas, endangered or threatened species and their critical habitats, or environmentally important natural

resource areas. Therefore, EPA has determined that the projects will not have any significant impacts on the quality of the human environment.

Alex Stans

for Wayne Nasti
Regional Administrator

2 June 2006

Date

**Categorical Exclusion
for
Orange County Sanitation District for Project P1-101 Sludge Dewatering, Odor
Control, and Primary Sludge Thickening at Plant No.1 in Fountain Valley.**

Proposed Action

The proposed action, referred to by the Orange County Sanitation District (OCSD) as P1-101, is to replace or rehabilitate the existing sludge dewatering facility located at the OCSD's Plant No. 1. Proposed rehabilitation to support new secondary treatment includes replacement belt press dewatering systems with centrifuge dewatering systems and upgrade or replacement of sludge pumps, cake conveyance and pumping systems, chemical feed systems, odor scrubbers, ventilation systems, electrical systems and control systems. A new digester could also be constructed. Demolition of existing structures, construction of a new 17,500 square foot dewatering building, and minor expansion of the existing solids storage building would also occur. Some excavation would be required. All activities would be conducted within the existing footprint of the facility. Rehabilitation and construction would be adjacent to and associated with existing onsite solids handling facilities. The rehabilitation would apply to the following features of the existing sludge dewatering facility:

- Solids area odor-control systems
- Associated sludge pumping
- Cake conveyance
- Chemical feed, Ventilation and miscellaneous other structural
- Mechanical, electrical and control systems.

Justification for Categorical Exclusion

Proposed Activities

The proposed rehabilitation and construction activities for Project P1-101 meet the eligibility criteria for a categorical exclusion (CATEX). Specifically, the criteria for determining eligibility for a CATEX, as set for in 40 CFR §6.107 (d)(1), state that "Actions which are solely directed towards minor rehabilitation of existing facilities, functional replacement of equipment, or towards the construction of new ancillary facilities adjacent or appurtenant to existing facilities" are eligible for categorical exclusion. Project P1-101 meets these criteria for the following reasons:

1. **Minor Rehabilitation of Facilities.** P1-101 would be exclusive to the rehabilitation of the existing sludge dewatering facility and, therefore, meets the

exemption conditions cited above. Its sole operational intent would be associated with the existing facility.

2. **Replacement of Equipment.** P1-101 would be specific to functional replacement of equipment. The belt press dewatering systems would be replaced with centrifuge dewatering systems and sludge pumps, and the cake conveyance and pumping systems, chemical feed systems, odor scrubbers, ventilation systems, electrical systems and control systems would be upgraded or replaced.
3. **New Ancillary Facilities Adjacent or Appurtenant to Existing Facilities.** Construction activities associated with the digester and dewatering building would be limited to those ancillary facilities adjacent or appurtenant to the existing Plant No. 1, which has been in operation since 1959.

Pertinent Cross-Cutting Laws and Executive Orders

National Natural Landmarks - The Secretary of the Interior is authorized to designate areas as National Natural Landmarks for listing on the National Registry of Natural Landmarks pursuant to the *Historic Act of 1935*, 16 U.S. Code (USC) 461 *et seq.* There are no natural U.S. landmarks within the project area. Therefore, the proposed action would not result in impacts to a National Natural Landmark.

Cultural Resources Data - The *Archaeological and Historic Preservation Act* (AHPA) of 1974, 16 USC 469 *et seq.*, provides for the preservation of cultural resources if an EPA activity may cause irreparable loss or destruction of significant scientific, prehistoric, or archaeological data. Reasonable means have been used to identify cultural resources within the area of potential effect (APE) of the proposed project, including archival research, contacts with Native Americans, and a field survey. No known archaeological or historic resources are present on the site. Given the nature of the proposed undertaking, which includes ground-breaking in a previously disturbed area, it is unlikely that any significant cultural resources will be affected either directly or indirectly. In addition, replacing or rehabilitating the existing sludge dewatering facility will not affect the character, use, or setting of any known cultural resources.

Historic Resources - The *National Historic Preservation Act* (NHPA), as amended, 16 U.S.C. 470, directs federal agencies to integrate historic preservation into all activities which either directly or indirectly involve land use decisions. The NHPA is administered by the National Park Service (NPS), the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Offices (SHPOs), and each federal agency. Implementing regulations include 36 CFR Part 800: *Regulations of the Advisory Council on Historic Preservation Governing the NHPA Section 106 Review Process*. Section 106 of the NHPA requires federal agencies to take into consideration the impact that an action may have on historic properties that are included on, or are eligible for inclusion on, the National Register of Historic Places.

The State Historic Preservation Office (SHPO) has concurred, in a letter dated April 10, 2006, that the proposed action would not affect any significant historic resources.

Wetlands Protection – Executive Order 11990, “Protection of Wetlands” of 1977, requires federal agencies conducting certain activities to avoid, to the extent possible, adverse impacts associated with the destruction or loss of wetlands and to avoid support of new construction in wetlands, if a practicable alternative exists. Discharge of dredge or fill material into wetlands and other waters of the U.S. are also regulated under Section 404 of the *Clean Water Act*.

No wetlands or waters of the U.S. occur on the footprint of the existing sludge dewatering facility. The segment of the Santa Ana River adjacent to the proposed rehabilitation or replacement activities is considered to be non-wetland waters of the U.S. The existing site is relatively flat and minimal erosion occurs. The existing drainage system would capture storm water on the site during construction and operation; it would be treated through the wastewater treatment process and, subsequently, discharged to the ocean. The existing regulations would be adhered to for reducing the potential for erosion. The contractor would provide, maintain, and operate best management practices (BMPs), such as placement of straw bales and slit fences, and would conduct dewatering in a manner that would not result in a water quality impact. These practices are consistent with OCSD’s existing Onsite Storm Water Management Plan (OSSWMP). The OSSWMP would minimize erosion and sediment releases from the rehabilitation activities, as required by the Santa ANA Regional Water Quality Control Board (SARWQCB). The OSSWMP applies to both construction and operation. As a result of implementing these BMPs, the proposed action to upgrade the existing sludge facility would not result in significant impacts to wetlands or water of the U.S., including Santa Ana River water quality.

Floodplain Management – Executive Order 11988, “Floodplain Management” of 1977, requires federal agencies to evaluate the potential effects of actions they may take in a floodplain to avoid, to the extent possible, any adverse effects associated with the direct and indirect development of a floodplain.

The existing site is in Santa Ana River Basin, which encompasses over 3,200 square miles and is the largest watershed in Southern California. Since 1989, the Army Corps of Engineers (ACOE) has substantially reduced flood risks along the Santa Ana River by completing the construction of concrete-lined levees and flood control channels along much of the river and its tributaries. With the newly constructed levees, Plant No. 1 is no longer within the 100-year floodplain. Plant No. 1 is protected from flooding by walls and levees that were completed by the ACOE in 1995. The Federal Emergency Management Agency Flood Insurance Rate Map designates the area as Zone X, which is defined as an area protected from the 1 percent annual chance flood by levee, dike, or other structures subject to possible failure or overtopping during larger floods. The proposed site on which the upgrades to the sludge facility would occur is not located in a floodplain; therefore, proposed action will not result in impacts.

Important Farmlands - EPA Policy to Protect Environmentally Significant Agricultural Lands requires EPA to consider the protection of the nation’s significant/important

agricultural lands from irreversible conversion to uses that result in their loss as an environmental or essential food production resource. In addition, the *Farmland Protection Policy Act* (FPPA), 7 USC 4201 *et seq.*, and the U.S. Department of Agriculture's (USDA) implementing procedures require federal agencies to evaluate the adverse effects of their actions on prime and unique farmland, including farmland of statewide and local importance. The upgrade of the existing facility would not convert, or otherwise affect, prime, unique, or important farmland to nonagricultural use.

Coastal Zone Management Act - The *Coastal Zone Management Act* (CZMA), 16 USC 1451 *et seq.*, requires that federal agencies in coastal areas be consistent with approved State Coastal Zone Management Programs, to the maximum extent possible. If an EPA has the potential to affect a coastal zone area, the responsible official is required to assess the impact of the action on the coastal zone. The proposed rehabilitation of the existing sludge dewatering facility is a continuation of existing wastewater treatment activities at Plant No. 1 and would not adversely affect designated coastal zone areas.

Coastal Barrier Resources Act - The *Coastal Barrier Resources Act* (CBRA), 16 USC 3501 *et seq.*, generally prohibits new federal expenditures and financial assistance for development within the Coastal Barrier Resources System (CBRS) and therefore protects ecologically sensitive U.S. coastal barriers. The proposed action does not affect any coastal barriers.

Wild and Scenic Rivers - The *Wild and Scenic Rivers Act* (WSRA), 16 USC 271 *et seq.*, establishes requirements applicable to water resource projects affecting wild, scenic, or recreational rivers within the National Wild and Scenic Rivers System, as well as rivers designated on the National Rivers Inventory. The existing site is adjacent to the Santa Ana River, which is not a Wild and Scenic River and has been highly modified for flood control. The rehabilitation of the existing sludge dewatering facility would not affect any national wild or scenic rivers.

Fish and Wildlife Protection - The *Fish and Wildlife Coordination Act* (FWCA), 16 USC 661 *et seq.*, requires federal agencies involved in actions that will result in the control or structural modification of any natural stream or body of water for any purpose, to take action to protect the fish and wildlife resources that may be affected by the action. The rehabilitation of the existing sludge dewatering facility would not structurally modify or control waters of the U.S. or water bodies; therefore, natural streams or waterbodies or associated wildlife resources would not be affected.

Endangered Species Protection - The *Endangered Species Act* (ESA), 16 USC 1536 *et seq.*, prohibits agencies from jeopardizing threatened or endangered species or adversely modifying habitats essential to their survival. As discussed in the OCS's *Strategic Plan Final Program Environmental Impact Report*, the existing site has been disturbed and no special-status species occur on Plant No. 1. The 1999 EIR also stated that construction and operation activities at Plant No. 1 would not result in a biological resources impact.

The EPA sent a letter to the United States Fish and Wildlife Service (USFWS) on February 23, 2006, requesting concurrence on the determination of no effect under Section 7 of the Endangered Species Act. No reply was received from the USFWS within thirty days. Therefore, as stated in the letter, the EPA may and does assume that the USFWS concurs with the EPA determination of no effect.

Wilderness Protection - The *Wilderness Act* (WA), 16 USC 1131 *et seq.*, establishes a system of National Wilderness Areas, including a policy for protecting this system by generally prohibiting motorized equipment, structures, installations, roads, commercial enterprises, aircraft landings, and mechanical transport. The existing site is not a National Wilderness Area; therefore, the rehabilitation of the existing sludge dewatering facility would not affect any wilderness areas.

Air Quality - The *Clean Air Act* (CAA) requires federal actions to conform to any state implementation plan approved or promulgated under Section 110 of the Act. For EPA actions, the applicable conformity requirements specified in 40 CFR Part 51, Subpart W; 40 CFR Part 93, Subpart B; and the applicable state implementation plan must be met. Under the Federal Rule on General Conformity, 40 CFR Part 93, a conformity determination is required only when emissions occur in a non-attainment area. The proposed action will conform to the State Air Quality Standards, which are more stringent than the national standards. Specifically, the South Coast Air Quality Management District (SCAQMD) regulates the air quality in the South Coast Air Basin and seeks to minimize emissions of all air pollutants and focuses primarily on the criteria pollutants for which the region still periodically exceeds Federal and State standards. The South Coast Air Basin is in non-attainment for both the federal and state standards for ozone, carbon monoxide (CO), and particulate matter with a diameter less than 10 microns (PM₁₀). The SCAQMD maintains CEQA thresholds of significance for the following criteria pollutants: CO, reactive organic compounds (ROC), nitrogen oxides (NO_x), sulfur oxides (SO_x), and PM₁₀. The activities for rehabilitating the existing sludge dewatering facility would not exceed the SCAQMD's air quality thresholds of significance for these criteria pollutants. The construction BMPs and other measures required by the SCAQMD for minimizing emissions from air pollutants would be incorporated. These measures include, but are not limited to:

- Soli Binders
- Maintaining equipment engines in proper tune and not operating construction equipment during second-stage smog alerts
- Minimizing construction vehicle idling
- Phasing construction activities to minimize emissions
- Watering to minimize fugitive dust
- Seeding and watering ground cover

In addition, OCSD will maintain the existing ride-share programs during operations. Therefore, the activities associated with rehabilitating the existing sludge dewatering facility would not result in air quality impacts, including impacts as a result from increased CO, ROC, NO_x, Sox and PM₁₀.

Environmental Justice – Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” and the accompanying presidential memorandum, advise federal agencies to identify and address, whenever feasible, disproportionately high and adverse human health or environmental effects on minority communities and/or low-income communities. Rehabilitating the existing sludge dewatering facility would not disproportionately affect minority or low income communities because impacts to the general public would be less than significant.

Cumulative Impacts

The proposed action, individually or in conjunction with past, present, or foreseeable future projects, will not result in a significant adverse effect on the quality of the human environment.

Public Support

Public outreach for activities to upgrade OCSD’s plant No.1 has been ongoing since the 1990s. Outreach activities have been documented extensively in several environmental documents prepared by OCSD. Additionally, OCSD conducted extensive public outreach activities during the planning phase for the potential rehabilitation of the existing sludge dewatering facility.

Cost Effectiveness

Rehabilitation of the existing sludge dewatering facility is a cost-effective approach to ensuring adequate treatment and handling of sludge generated from wastewater treatment, and would achieve treatment objective without construction of a new facility. Cost effectiveness would be directly controlled by the combination of value engineering, competitive bids, and oversight by construction engineers.